

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE: JOE ARTHUR POWELL, JR., Debtor.	Case No. 3:15-bk-09010 Chapter 13 Judge Walker
JOE ARTHUR POWELL, JR., Movant, v. WVMF FUNDING, LLC and STATEBRIDGE COMPANY (SERVICER), Respondents.	CONTESTED MATTER

RESPONSE TO DEBTOR’S MOTION FOR CONTEMPT

COME NOW, WVMF Funding, LLC (“WVMF”) and Statebridge Company, LLC (“Statebridge”) and files this Response to the Debtor’s Motion for Contempt and Show Cause [Doc. 84], respectfully showing this Honorable Court as follows:

1. WVMF is the current holder of Claim No. 11, which is secured by a deed of trust encumbering the Debtor’s principal residence.
2. The Debtor contends that the payment of this claim includes escrow payments for taxes and insurance, and he “believed his homeowners insurance was held through Tenn, Farm Bureau.” [Doc. 84] at ¶¶ 2-3.
3. After a leak in his garage in September 2018, the Debtor alleges that he discovered that his insurance policy was not renewed due to the premium going unpaid in January 2018. *Id.* at ¶ 4. As a result, the Debtor is seeking sanctions and damages against WVMF and its loan servicer, Statebridge, for violation of the automatic stay.

4. WVMF and Statebridge strongly dispute the Debtor's allegations. The claim was not transferred to WVMF until May 2, 2018 (amended on May 9) – five months after the premium was allegedly due. *See* [Docs. 72, 76]. At the time in question, the claim was held by Rescap Liquidating Trust and serviced by LoanCare, LLC. *See* [Doc. 54].

5. In addition to WVMF and Statebridge not being involved with the subject loan on the date in question, the acts complained of do not fall within any of the prohibitions of 11 U.S.C. § 362, and therefore the Debtor cannot obtain the relief he is seeking.

WHEREFORE, WVMF and Statebridge respectfully request that this Court deny the Debtor's Motion for Contempt and Show Cause.

Respectfully submitted, this 3rrd day of October, 2018.

/s/ Bret J. Chaness

BRET J. CHANESS (BPR # 31643)

RUBIN LUBLIN TN, PLLC

3145 Avalon Ridge Place, Suite 100

Peachtree Corners, GA 30071

(678) 281-2730 (Telephone)

(404) 921-9016 (Facsimile)

bchaness@rubinlublin.com

*Attorney for WVMF Funding, LLC and
Statebridge Company, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2018, a copy of the within and foregoing has been filed via CM/ECF, which will serve notice on all parties.

/s/ Bret J. Chaness

BRET J. CHANESS (BPR # 31643)